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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 959 (1994)

I. INTRODUCTION

1. In paragraph 5 of resolution 959 (1994) of 19 November 1994, the Security Council requested the Secretary-General to update his recommendations on modalities of the implementation of the concept of safe areas and to encourage the United Nations Protection Force (UNPROFOR), in cooperation with the Bosnian parties, to continue their efforts to achieve agreements on strengthening the regime of safe areas, taking into account the specific situation in each case. In paragraph 7, the Council requested the Secretary-General to report on the implementation of the resolution by 1 December 1994. The present report is submitted in order to inform the Council of the result of the review of recommendations contained in previous reports dealing with the safe areas (S/1994/291 and Corr.1 and Add.1, S/1994/300 and S/1994/555) in light of the recent developments, as well as to propose some measures which urgently need to be considered. The report also contains recommendations on measures to stabilize the situation in and around the safe area of Bihac, as requested in the Presidential Statement of 13 November (S/PRST/1994/66).

2. The Security Council will recall that, in my report of 14 June 1993 pursuant to its resolution 836 (1993) of 4 June 1993 (S/25939, I had pointed out that UNPROFOR would require some 34,000 troops in order to effectively deter attacks upon the safe areas. The Council, however, decided in its resolution 844 (1993) of 18 June 1993 to authorize a "light option" of 7,600 additional troops, the last of whom arrived in the theatre a year later. In considering the present report, members of the Council may wish to bear these facts in mind.

II. RECENT DEVELOPMENTS IN THE SAFE AREAS

Zepa, Srebrenica and Gorazde

3. As described in my report on the safe areas of 9 May 1994 (S/1994/555), the concept of safe area has been applied more effectively at Zepa and Srebrenica than in other areas. In these two areas, the parties to the conflict agreed upon a cease-fire, deployment of UNPROFOR troops, ad hoc demilitarization and

other measures including, in particular, a clear delimitation of the safe area. Although the implementation of the agreements has been far from complete, the military situation in and around Srebrenica and Zepa during the past seven months has generally been much more stable than in the other safe areas. However, an increase of tension has been noted in Srebrenica due to sporadic explosions and exchanges of fire, frequent difficulties in gaining access for humanitarian assistance and heightened fear of the town's inhabitants about their vulnerability to a Serb attack resulting from broader political and military developments.

4. At Gorazde, the situation has remained tense although the cease-fire within the 3-km total exclusion zone, as well as the 20-km heavy weapon exclusion zone, has been largely respected. Restrictions on freedom of movement at Gorazde have often been imposed by both parties and both have also targeted UNPROFOR personnel. In an effort to ease tensions and reduce the number of cease-fire violations, initiatives have been taken to enable crop harvesting, to end sniping in the total exclusion zone and along the main road in the southern end of the pocket and to assist in the release of prisoners-of-war and detainees. These measures have contributed to a somewhat more cooperative approach by both parties, which in turn has brought some small improvements in living conditions in the safe area.

5. Access to Zepa, Srebrenica and Gorazde has been repeatedly obstructed by the Bosnian Serbs. The difficulty in fuel deliveries necessary for UNPROFOR activities has seriously hampered patrolling. Delivery of humanitarian assistance, and particularly of vital winterization items, has also been impeded, with 70 per cent of the required tonnage reaching the enclaves in October and only 50 per cent in November.

Tuzla

6. Tuzla has been affected by military operations in the Majevica Hills to the north-east of the town. Sporadic shelling has been recorded in the town centre and the area nearby, the number of such incidents having significantly increased during November. This happened at the same time as mounting pressure by Government forces to dislodge Serb forces from the Mount Stolice area. The humanitarian situation of Tuzla has further deteriorated with the arrival of over 6,000 displaced persons expelled from Serb-controlled areas of Bijeljina and Janja, particularly in September. On the other hand, land access to Tuzla has significantly improved as a result of the cease-fire agreement between Bosniacs and Bosnian Croats. Although access to Tuzla depends on secondary roads (which are likely to deteriorate significantly under winter conditions), no major impediment has been experienced during the past seven months despite the inability of UNPROFOR to negotiate the opening of the airport for humanitarian aid. Unlike the other safe areas, Tuzla is not encircled by the Bosnian Serb forces.

Sarajevo

7. The living conditions of the residents of Sarajevo improved greatly during the four months following the agreement of 9 February 1994 on withdrawal or placement under UNPROFOR control of heavy weapons, and the subsequent agreement

of 17 March 1994 on freedom of movement. The availability of utilities in and around Sarajevo increased significantly during this period, facilitated in part by the Office of the Special Coordinator for Sarajevo and UNPROFOR. Unfortunately, the closure of the routes across the Sarajevo airport by the Bosnian Serbs on 26 July 1994 again restricted access for commercial supplies. Since then, periodic closures of the airport routes have occurred, accompanied by a general increase in tension, during which both sides have engaged in fighting in and near the Sarajevo exclusion zone.

8. After UNPROFOR had detected and blocked a number of attempts to remove heavy weapons from weapon collection points, the Bosnian Serbs removed five heavy weapons from the Ilidza site on 5 August 1994. UNPROFOR requested North Atlantic Treaty Organization (NATO) air action against a Serb armoured vehicle inside the Sarajevo exclusion zone, causing the Serbs to return the weapons that had been taken away. Since then, no weapons have been removed from the weapon collection points. However, firing of heavy weapons by both sides from within these sites has occurred. Despite the commitment by UNPROFOR of considerable resources and effort, it has been difficult to control isolated and widely dispersed weapons collection sites, particularly when the Serbs have sought recourse to the heavy weapons following military pressure in or around the exclusion zone.

9. UNPROFOR successfully negotiated an anti-sniping agreement at Sarajevo on 14 August. This permitted a resumption of the tramway service, and improved protection in the city. However, after an initial period of strict compliance, this agreement has been increasingly violated in recent weeks.

10. Since September, increased fighting in and around the Sarajevo exclusion zone has destabilized the situation in the city. Particularly serious cases include the firing of heavy weapons by the Bosnian Serbs at the Mount Igman road; the incursion by the Government forces into the Mount Igman demilitarized zone; and ongoing fighting near Visoko and the Cemerska Planina to the north and north-east, as well as on the approaches to Trnovo to the south.

11. During the second half of September, the welfare of the population was seriously affected by a 12-day cut-off of utilities. Following the use of air support on 22 September at Sarajevo, all flights to Sarajevo had to be suspended owing to security threats from the Bosnian Serb forces. The total suspension for more than 10 days of UNPROFOR and humanitarian flights, as well as of land convoys, slowed UNPROFOR activities and reduced humanitarian supplies in the city to a critical level. Access to the city has subsequently been relatively stable until new suspensions were imposed following the fighting in the Bihac area. New Serb procedures for movements between the airport and the city have created further obstructions.

Bihac

12. In August, the self-declared Bihac "Autonomous Province of Western Bosnia", with its stronghold at Velika Kladusa and led by Mr. Fikret Abdic, was defeated by the Government forces. This resulted in an exodus of an estimated 25,000 refugees to the United Nations protected area (UNPA) Sector North in Croatia. Security conditions in Velika Kladusa and Government assurances led the Office

of the United Nations High Commissioner for Refugees (UNHCR) to conclude that refugees could return to their homes in safety. Most, however, remained in Sector North.

13. With their victory over the Abdic forces, the Government forces were able to concentrate their efforts on the remaining confrontation line with the Bosnian Serb forces. They penetrated the Serb lines on the Grabez plateau and achieved their largest territorial gain of the war.

14. A Bosnian Serb counter-offensive recovered the lost territories and advanced beyond the original confrontation lines to close in on the town of Bihac. This counter-offensive from the south and east of the Bihac enclave was supported by shelling and air action by the so-called Krajina Serb forces, who also supported the Abdic forces, which advanced from the north and the west towards Velika Kladusa.

15. Despite the strong warnings issued by UNPROFOR, the Krajina Serb forces repeatedly intervened in the fighting by launching missiles and air attacks. An air raid on 18 November against the Fifth Corps headquarters inside the safe area employed napalm and cluster bombs. In an attempted attack the following day an aircraft crashed onto a factory at Cazin, which resulted in a crash onto an apartment block, causing civilian casualties. These attacks prompted the decision by the Security Council, in its resolution 958 (1994) of 19 November 1994, to extend to the Republic of Croatia the authorization contained in its resolution 836 (1993) concerning the use of air power in and around the safe areas. On 21 November, Udbina airfield, which had been used for those attacks, was subject to an air strike conducted by NATO in accordance with the resolution.

16. Thereafter, in a meeting on 23 November in Belgrade, my Special Representative obtained from the Knin authorities a commitment to end any military involvement by their forces in Bosnia and Herzegovina and to allow UNPROFOR and UNHCR convoy access into the Bihac pocket. Assurances were also given regarding the safety of UNPROFOR personnel deployed in the UNPAs. However, the military involvement of the Krajina Serb forces appeared to continue, while the Bosnian Serb forces showed no sign of relenting in their advance towards the safe area of Bihac and the town itself. In spite of repeated efforts by UNPROFOR to obtain a cease-fire, the Bosnian Serb forces continued to attack towards the town. The Fifth Corps of the Government Army, in its turn, launched mortar fire from within the Bihac safe area, where its headquarters is located.

17. Throughout this period, access to the Bihac pocket has remained extremely difficult for UNPROFOR and almost impossible for humanitarian convoys. Some supplies for UNPROFOR troops in the Bihac pocket, after continued denial of access by the Knin authorities, finally got through on 24 November on the basis of an agreement reached in the meeting the previous day. Far more supplies need to be delivered to UNPROFOR troops in the pocket in order to enable them to carry out a normal level of activities. Only 12 of 142 planned UNHCR convoys have reached the Bihac pocket since the end of May. All warehouses for humanitarian goods (food, medicine and essential non-food items) are now empty

and airdrops are not possible given the security threat. No humanitarian access to the enclave has been re-established.

18. From an early stage of the fighting around Bihac, UNPROFOR has been actively pursuing ways to de-escalate the situation through frequent contacts with all the parties concerned. Following the statement of the President of the Security Council on 13 November, these efforts were further intensified.

19. One immediate action was to delineate the boundaries of the safe area. The recommendation in this regard in my report on the safe areas (S/1994/555) had not been approved by the Security Council when the Government offensive and the subsequent counter-offensive of the Bosnian Serb forces were launched. In order to avoid any misunderstandings on the part of the warring parties, the boundaries defined by UNPROFOR, based on tactical features, population density and available UNPROFOR troops, were communicated to all of them. However, the Bosnian Serbs failed to respect the boundaries and pursued their offensive into the safe area, although they have not so far entered the town itself.

20. As described above, on 23 November my Special Representative obtained from the Knin authorities certain commitments including the cessation of their military involvement and the granting of access for UNPROFOR and UNHCR convoys to the Bihac pocket. However, very little change in the level of activity by the Krajina Serbs has been noted so far.

21. Currently, UNPROFOR is focusing its efforts on three areas: negotiations with the parties with a view to reaching an agreement on immediate cessation of hostilities and demilitarization of the Bihac safe area; measures to stabilize the situation on the ground, including preparations for the implementation of an agreement; and attempts to secure access for UNPROFOR resupply as well as humanitarian convoys.

22. I myself made a brief visit to Sarajevo on 30 November. My purposes were to demonstrate my concern at the deteriorating situation in Bosnia and Herzegovina, to receive a briefing on the ground from my Special Representative, the Force Commander and the Commander in Bosnia and Herzegovina and, without entering into detailed negotiation, to press all concerned to reach agreement on cease-fires at Bihac and in Bosnia and Herzegovina more generally, as well as on a number of related military arrangements. My decision to visit Sarajevo was influenced by a number of telephone conversations which I had had in the previous days with President Izetbegovic and Vice-President Ganic of Bosnia and Herzegovina and by a letter which I had received from Dr. Karadzic, the leader of the Bosnian Serb party. I had a long meeting with President Izetbegovic at which I informed him of the Security Council's desire to see progress in resolving the conflict in his country and discussed with him the effectiveness of United Nations operations there. We also discussed action that could be taken urgently to achieve agreement on measures to bring the military situation under control and create conditions in which negotiations for a political settlement could be brought to a successful conclusion. I had invited Dr. Karadzic to meet me at Sarajevo airport so that I could have a similar discussion with him. I regret to have to report that Dr. Karadzic declined my invitation and that no meeting with him was therefore possible. On leaving Sarajevo, I instructed my Special Representative to pursue negotiations actively

in order to stabilize the military situation at Bihac and elsewhere in Bosnia and Herzegovina.

23. Meanwhile, UNPROFOR intends to take additional measures on the ground. Currently, its presence in the Bihac safe area is at the strength of one company. It is planned to redeploy one additional company from within the Bihac pocket to reinforce its presence in the safe area. Deployment of another company from outside the Bihac pocket is envisaged. These forces will interposition themselves at sensitive points as soon as agreement is reached on a cessation of hostilities and a demilitarization of the safe area. UNPROFOR is also examining the possibilities of reinforcing its troops along the international border between Croatia and the Bihac pocket in order to monitor more effectively compliance by the Krajina Serb forces with their commitment to cease any military involvement.

24. UNPROFOR will also continue to make every effort to secure access for troop-resupply convoys as well as humanitarian convoys to the Bihac pocket, in particular through pursuing agreements with both the Krajina Serbs and the Bosnian Serbs on the opening of humanitarian corridors.

III. ANALYSIS OF THE EXPERIENCE OF UNPROFOR IN THE SAFE AREAS

25. In my report on the safe areas (S/1994/555), I pointed to a number of problems highlighted by the failure of the safe-area concept to protect the civilian population of Gorazde. I concluded then that "in short, UNPROFOR found itself in a situation where many safe areas were not safe, where their existence appeared to thwart only one army in the conflict, thus jeopardizing UNPROFOR's impartiality, and where UNPROFOR's role needed to be adequately defined in a manner that would be compatible with the rest of its mandate" (ibid., para. 15).

26. The recent experience at Bihac has demonstrated once again, and even more strikingly, the inherent shortcomings of the current safe-area concept, at the expense of the civilian population, who have found themselves in a pitiable plight.

Limitation of deterrence capacity and consequences of the use of air power

27. The Security Council opted, in its resolution 844 (1993), as an initial approach, for a "light option" with a minimal troop reinforcement of 7,600 to carry out the mandate related to the safe areas. That option was intended to have limited objectives, i.e., to provide a basic level of deterrence assuming the consent and cooperation of the parties. The experiences at Gorazde and Bihac provide stark evidence that in the absence of consent and cooperation, the "light option", adopted as an initial measure and supported by air power alone, cannot be expected to be effective in protecting the safe areas. The presence of eight military observers was not effective in deterring the Serb offensive against Gorazde. The presence of a company-strength unit could not stop the Serb advance towards the town of Bihac.

28. The threat of air action was intended to deter attacks on the safe areas with limited UNPROFOR presence. However, experience in the use of air power, particularly at Bihac, demonstrates a number of technical constraints which limit its effectiveness. In order to carry out close air support or air strikes, clearly identifiable targets are necessary. In the case of Gorazde, these were heavy weapons firing at the populated centre, which threatened the safety of UNPROFOR personnel located in the town. During the Bosnian Serb forces' current incursions into the Bihac safe area, they have relied more heavily on dismounted infantry fighting in close contact with Government forces up to the southern edge of the town. Apart from the Udbina airfield located in territory held by the "Krajina Serbs" in Croatia, and used for air attacks against the Bihac pocket, it was very difficult to identify suitable targets for possible air action. The heavy weapons firing into the Bihac safe area were, in many cases, highly mobile and difficult to detect. Moreover, a significant difference from the situations at Sarajevo of last February and Gorazde of April, was an increased presence of Serb surface-to-air missile sites nearby. This made any flights vulnerable, thereby hindering air reconnaissance as well as close air support or air strikes. Furthermore, the freedom of movement of UNPROFOR military personnel on the ground, essential for the precise identification of the targets before and during air action, was extremely limited. In these circumstances, air power could not be effectively employed. Air power is also subject to other constraints, including the need for a readily available combination of planes and weapons which matches the nature and extent of the mission, and weather conditions. Considerable difficulties in this regard were identified during the operations around Bihac.

29. Partly perhaps because of these technical constraints and the parties' growing awareness of them, the limited effectiveness of air power in determining attacks against the safe areas has become progressively clearer. At Sarajevo, partly because of other converging interests, the threat of NATO air power was sufficient to make it possible to negotiate an agreement between the Bosnian Government and the Bosnian Serb forces and to ensure an acceptable level of compliance. At Gorazde, the employment of close air support prompted a strong reaction by the Bosnian Serbs, including detention of a large number of United Nations personnel. Nevertheless, after much effort on the part of UNPROFOR, coupled with the threat of further NATO air strikes at the request of the Secretary-General, an agreement was ultimately achieved between UNPROFOR and the Bosnian Serb authorities. In the case of Bihac, however, the threat of air action did not prevent the Bosnian Serb forces from entering the safe area. The Knin authorities also failed to honour their agreement to stop their military intervention after the air strike against Udbina airfield. Nor did this air strike, or the use of air power by NATO in self-defence against three surface-to-air missile sites on 23 November, alter the behaviour of the Bosnian Serb forces.

30. Deterrence must be practical on the ground and politically acceptable in order to be credible. As I stated in my previous report on the safe areas (S/1994/555, para. 10), "air power has major psychological and political impacts that can alter relationships with the parties and the conduct of ongoing negotiations". While this statement remains valid, the level of air power required to alter the attitude of the parties has clearly become much greater, as have the risks to UNPROFOR. First, blunting a determined attack on a safe

area will require repeated air engagements which will have to begin at a considerable distance from the safe area. Military intervention, as opposed to operations by consent, will prevail over a larger area, and options for negotiation will be foreclosed earlier. This problem is compounded by the need to suppress any air defence systems which threaten NATO aircraft. Secondly, UNPROFOR remains a lightly armed, highly dispersed force that can neither be tactically deployed nor secure its lines of communications. This extreme and unavoidable vulnerability of UNPROFOR troops to being taken hostage and to other forms of harassment, coupled with the political constraints on wider air action, greatly reduce the extent to which the threat of air power can deter a determined combatant.

31. The use, or threat of the use, of air power, also has significant implications for the operations of UNPROFOR and consequently for humanitarian assistance activities led by UNHCR. After the first use of air power at Gorazde, the Bosnian Serbs regarded UNPROFOR as having intervened on behalf of their opponents. This led to obstruction of humanitarian assistance deliveries throughout the areas under their control. A similar reaction occurred when the use of air power in support of UNPROFOR personnel at Sarajevo on 22 September led to the total closure of Sarajevo airport and the interruption of humanitarian land convoys for more than 10 days, disrupting the winterization programmes planned by the humanitarian agencies.

32. While the air strike at Udbina airfield did not prompt the same hostile reaction against UNPROFOR in the UNPAs as had occurred in Bosnia and Herzegovina, it increased tension in the area. Severe restrictions on freedom of movement have almost entirely disrupted the activities of UNPROFOR there since 21 November. In Bosnia and Herzegovina also various incidents and increased tension have disturbed a major part of UNPROFOR activities. Severe restrictions on the freedom of movement of UNPROFOR were imposed by the Bosnian Serb forces throughout the territory under their control and several hundred persons were detained.

33. A very important part of the activities of UNPROFOR is carried out by its military and civilian personnel on the ground, who have daily contact with local authorities. After the air strike on Udbina airfield, civilian police personnel in the UNPAs had to leave their stations and be co-located at military headquarters because of security concerns. They were absent for more than a week, which had a negative effect on cooperation with local authorities. With the interruption of these normal activities, UNPROFOR was unable to use all its contacts and influence at the local level in order to defuse the tension raised by the air strike.

Use of safe areas for military purposes

34. The use of the safe areas by the Government Army of Bosnia and Herzegovina and its consequences have been described in my previous reports (S/1994/291, para. 17, S/1994/300, para. 30 and S/1994/555, paras. 13 and 14). The intention of the safe-area concept is to protect the civilian populations and to ensure unimpeded access for humanitarian assistance. For the reasons explained below, this is not compatible with the use of the safe areas for military activities.

35. This problem has become particularly acute with the recent offensive of the Government Army from within the Bihac pocket, which in turn triggered a major counter-offensive by the Bosnian Serb forces and the involvement of the Krajina Serb forces in the conflict. Most of the offensive activities undertaken by Government forces from the Bihac pocket were not launched from within the safe area as defined by UNPROFOR. However, the fact that this large-scale offensive was conducted from the headquarters of the Fifth Corps in the town of Bihac contributed, in the judgement of UNPROFOR, to the Bosnian Serb attack upon the town.

36. Military installations are also located in other safe areas: the headquarters of the Second Corps of the Government Army is in the town centre of Tuzla; factories with the capability of producing ammunition, chemicals and other products for military use are situated at Tuzla and Gorazde; and Sarajevo is the location of the General Command of the Government Army, as well as of the Joint Command of the Government Army and the Bosnian Croat forces, which are in the process of formation.

37. When a safe area has strategic importance in ongoing military operations launched or provoked by the forces defending the area, it would be unrealistic to expect the other party to avoid attacking that area, even with full knowledge of the likely consequences of violating the relevant Security Council resolutions. In these circumstances, the efforts of UNPROFOR to defend the safe area make it necessary to obstruct only one of the hostile forces, which considers itself to be merely reacting to offensives launched by the other. In such circumstances, the impartiality of UNPROFOR becomes difficult to maintain and there is a risk of the Force being seen as a party to the conflict.

Delineation of the safe areas

38. In my report on the safe areas (S/1994/555, para. 18), I stressed the need for clear delineation of the safe areas with due regard to the areas of dense population around the six towns named in resolution 824 (1993) of 6 May 1993. I proposed that UNPROFOR be given a mandate to establish, in coordination with the parties but if necessary on its own responsibility, the operational boundaries of the areas against which the Force would be mandated to deter attacks.

39. That report was not acted upon by the Security Council. The safe area of Bihac had not, therefore, been delineated when the offensive of the Army of the Bosnian Government and the subsequent counter-offensive of the Bosnian Serb forces started. The non-existence of clearly defined boundaries seems to have led to a certain confusion as to the size and configuration of the Bihac safe area, and created false expectations on the part of the Government of Bosnia and Herzegovina as to the extent of the responsibilities of UNPROFOR. The absence of a reaction by the Security Council to the questions raised in my previous reports, in particular in that of 16 March 1994 (S/1994/300) concerning the lack of a mandate to deter attacks on the Bihac safe area by forces outside the Republic of Bosnia and Herzegovina and/or internal warring forces, also compounded the Force's difficulties in reacting to the intervention by the Krajina Serb forces at an early stage.

IV. REVIEW OF THE CONCEPT OF SAFE AREAS

40. The lessons described above create a need to reconsider the safe area concept, which was originally intended to be a temporary measure pending an overall political solution to the conflict in Bosnia and Herzegovina. It is obvious that the safe areas, created in response to a humanitarian emergency, cannot substitute for an overall solution to the conflict. Moreover, as explained above, the use of force and, in particular, air power to protect the safe areas cannot be effective if it becomes a destabilizing factor and impedes the primary humanitarian mission of UNPROFOR in Bosnia and Herzegovina as well as its mission in Croatia.

41. The ability of a safe-area regime to achieve its purposes depends upon the will of the parties to the conflict. As shown by the experience summarized above, the threat or use of air power is, at best, of very limited utility in compelling the Bosnian Serbs to respect the safe areas. The use of force beyond a certain point would exacerbate the condition of the population in the safe areas, heightening the risks to UNPROFOR personnel, preventing the delivery of humanitarian assistance and intensifying the conflict throughout Bosnia and Herzegovina. I therefore believe that the objective must be to get the parties to accept the regime established for the safe areas by the Council, with the modifications that are recommended below.

42. Nevertheless, it is important for the international community to remain committed to a safe-area regime even without an agreement by the parties and to continue to demand compliance with the relevant decisions by the Security Council. UNPROFOR recognizes that the protection of the populations of the safe areas cannot depend exclusively on the agreement of the parties. It must also be accepted, however, that the ability of a peace-keeping force such as UNPROFOR to enforce respect for the safe areas by unwilling parties is extremely limited, unless additional troops and the necessary weapons and equipment are made available.

Principles and current regime of the safe areas

43. In my previous report on the safe areas (S/1994/555, para. 24), I expressed the view that the acceptance of the following three overriding principles was required for the successful implementation of the safe-area concept:

(a) That the intention of safe areas is primarily to protect people and not to defend territory and that protection by UNPROFOR of these areas is not intended to make it a party to the conflict;

(b) That the method of execution of the safe-area task should not, if possible, detract from, but rather enhance, the mandates of UNPROFOR to support humanitarian assistance operations and contribute to the overall peace process through the implementation of cease-fires and local disengagements;

(c) That the safe-area mandate must take into account the resource limitations of UNPROFOR and the conflicting priorities that will inevitably arise from unfolding events.

44. The regime that has been established by the Security Council in its resolutions 819 (1993) of 17 April 1993, 824 (1993), 836 (1993), 913 (1994) of 22 April 1994 and 959 (1994) contains the following basic elements:

- Freedom from armed attack or other hostile acts;
- Withdrawal of Bosnian Serb and other military or paramilitary units except those of the Government of Bosnia and Herzegovina;
- Maximum restraint and an end to all provocative and hostile actions in and around the safe areas by all parties and others concerned;
- Occupation of key points on the ground by UNPROFOR troops and monitoring by the Force in the safe areas;
- Free and unimpeded access for UNPROFOR and international humanitarian agencies and full respect for their safety;
- Participation by UNPROFOR in the delivery of humanitarian relief to the population in the safe areas.

45. It is my belief that, in order to achieve the overriding objective of the safe areas, i.e., protection of the civilian population and delivery of humanitarian assistance, the current regime needs to be modified to include the following rules:

- Delineation of the safe areas;
- Demilitarization of the safe areas and cessation of hostilities and provocative actions in and around the safe areas;
- Interim measures towards complete demilitarization;
- Complete freedom of movement.

These conditions are discussed in greater detail below.

Delineation of the safe areas

46. The boundaries of the safe areas need to be clearly defined. Such delineation will be necessary whether or not an agreement between the parties on the demilitarization of the safe areas is obtained. Wherever feasible, the creation of a zone of separation between the conflicting parties would contribute to reducing tension and the risks of provocation.

47. A proposal was made in my previous report on the safe areas (S/1994/555) that UNPROFOR be tasked to define the operational boundaries of the safe areas. The recent developments in Bihac prompted such action but the boundaries for other safe areas remain undefined. UNPROFOR remains ready to issue its own delineation if authorized to do so by the Security Council.

Demilitarization of the safe areas and cessation of hostilities and provocative actions in and around the safe areas

48. The primary objective of the safe areas can be achieved only if they are completely demilitarized by all parties. Experience shows that the ability of one party to retain troops, weapons and military installations within a safe area creates an inherently unstable situation and draws attacks from the opposing party. The use of force by UNPROFOR to repel such attacks in defence of the safe area is inevitably construed as "taking sides" in the conflict and can have a destabilizing effect throughout Bosnia and Herzegovina. Moreover, UNPROFOR is not equipped to repel such attacks, and air power is frequently an inappropriate means of doing so, particularly in light of the recent developments described above.

49. In this connection, I should like to reiterate my concern at the resource-intensive nature of the weapons collection sites and their vulnerability to the forceful withdrawal of weapons during periods of increased tension.

50. The demilitarization of the safe areas should be accompanied, as already declared by the Security Council, by (a) the cessation of attacks, hostilities or other provocative action against the safe areas or the population in the area, and (b) the cessation of provocative action from within the safe areas directed against opposing forces outside the safe areas.

Interim measures towards complete demilitarization

51. Until complete demilitarization of safe areas can be achieved, the party controlling a safe area should be obliged to refrain from attacks and hostile or provocative actions from within the safe area directed against opposing forces or targets outside the safe area. In addition, measures should be taken by the parties to avoid activities within the safe areas that could draw attacks from opposing forces. It needs to be clearly understood that failure to take such measures will make it impossible for UNPROFOR to exercise its mandate to use force in the event of an attack on the safe area, particularly when the attack is related to the presence of military targets within the safe area.

52. With respect to such measures, it is helpful to consider principles of international humanitarian law, embodied in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, 1/ which have gained general acceptance among the international community. The Security Council, in its resolution 771 (1992) of 13 August 1992, reaffirmed that all parties to the conflict are bound to comply with those principles. In accordance with those principles, I would recommend the following measures:

(a) No weapons or weapon systems, including armour, artillery, rockets or mortars larger than 81 mm in diameter, should be located within the safe areas;

(b) No military headquarters or similar installations should be located within the safe areas;

(c) No factories producing matériel for military use should be located within the safe areas and no warehouse facilities within the safe areas should be used for the storage of military supplies;

(d) No use of the safe areas by a party to the conflict as a haven for its troops or for training or equipping troops.

Complete freedom of movement

53. Complete freedom of movement for the local population, as well as for UNPROFOR and humanitarian relief agencies, should be guaranteed to, from and within the safe areas. The best way to ensure such unimpeded access would be to establish secure land corridors to the safe areas for the provision of humanitarian assistance and the movement of the civilian population.

V. OBSERVATIONS

54. I had suggested in my report to the Security Council pursuant to its resolution 836 (1993) (S/25939, para. 5), that approximately 34,000 additional troops would be required in order to obtain deterrence through strength. Such troops would have needed to be adequately formed, trained and equipped, and ready to react with all the force available in the event of a breach of the safe-area regime by any of the parties. Regrettably, the Security Council authorized only 7,600 troops, which took a year to arrive and be deployed in the safe areas. Two of the largest contingents provided by Member States required extensive supplies of equipment, ranging from armoured personnel carriers to winter clothing. This had to be obtained by the United Nations, which was obliged to arrange training for the soldiers in its use before they could be deployed. UNPROFOR has, in these circumstances, faced considerable operational limitations in fulfilling its safe-area mandate.

55. The recent experience described above makes it more evident than ever that only the consent and cooperation of the parties can guarantee the protection of the safe areas with a minimal UNPROFOR troop presence. Such a troop presence would provide some, albeit limited, deterrence to violations of the safe area. Agreement on the conditions described above, including demilitarization of the safe areas, would place added responsibilities upon UNPROFOR, including effective monitoring and supervision of the demilitarization; promoting safety and security within the demilitarized area; and ensuring compliance by the parties with the agreement on cessation of hostile and provocative actions. In order to execute such mandates, an increased presence of UNPROFOR in and around the safe areas would become necessary, with interposition of troops between the parties and establishment of observation points. UNPROFOR would not be able to take on such functions without adequate additional resources.

56. It would also be essential to retain current authorization for the use of air power as an ultimate deterrent to attacks against or incursions into the safe areas and to support UNPROFOR in carrying out its mandate there. This should be accompanied by the authorization to use force to deter attacks or hostilities from within the safe areas against opposing troops or targets outside them, and to remove hostile impediments to the use of the land corridors

referred to above. It must be recognized, however, that the use of air power has inherent deficiencies and that force should be used only as a last resort in response to a specific situation, and only in conjunction with efforts by UNPROFOR and other elements of the international community to de-escalate the situation.

57. In the absence of agreement by the parties to the safe-area regime, the Security Council is faced with a choice as to the extent to which UNPROFOR is to be mandated to enforce respect for the safe areas by unwilling warring parties. At present, the role of UNPROFOR is to act as a deterrent to attacks upon the safe areas through the minimum presence of its troops under the "light option" and the possible use of air power. This has failed to deter attacks upon the Bihac safe area. None the less, I do not believe that UNPROFOR should be given the mandate to enforce compliance with the safe-area regime. The use of force that would be necessary to implement such a mandate would, as I have already stated, prevent UNPROFOR from carrying out its overall mandate in the former Yugoslavia, turn it into a combatant and further destabilize the situation in Bosnia and Herzegovina. In short, such a mandate would be incompatible with the role of UNPROFOR as a peace-keeping force.

58. In particular, the employment of an enhanced troop capacity in the safe areas with an enforcement mandate would be likely to have the following consequences:

(a) The forces to be deployed in the safe areas, as well as their logistic support units, would be subject to a greatly increased level of risk compared with normal peace-keeping forces;

(b) The need for logistic capabilities to support such deployment would require a drastic increase in UNPROFOR military and civilian support units, in addition to the troops to be deployed in the safe areas (it should be noted that the current deficiency in the authorized strength of UNPROFOR derives from lack of sufficient logistic and engineering personnel);

(c) The action required to enforce the protection of safe areas, including increased use of air power, would make it impossible for UNPROFOR to implement its mandate as an impartial peace-keeping force elsewhere in Bosnia and Herzegovina;

(d) The delivery of humanitarian assistance would become virtually impossible.

59. In view of the above, it is my view that the role of UNPROFOR of deterring violations of the safe-area regime should not be changed to one of enforcing the regime. To give UNPROFOR such a mandate would create expectations on the part of the population of the safe areas and the international community as a whole that UNPROFOR could not fulfil without compromising its basic mission and provoking the negative consequences referred to above.

60. I therefore recommend that the Security Council:

(a) Redefine the regime of safe areas with the modifications proposed in paragraph 44 above;

(b) Demand that all the parties and others concerned agree, without delay, on the concrete steps to be taken to ensure compliance with the modified safe-area regime;

(c) Demand that all the parties and others concerned comply with the interim measures pending complete demilitarization of the safe areas;

(d) Mandate UNPROFOR to define the operational boundaries of the safe areas with or without the agreement of the parties.

61. I should like to stress again that the safe areas do not represent a long-term solution to the fundamental conflict in Bosnia and Herzegovina but a temporary measure to alleviate the suffering of vulnerable civilian populations pending a political settlement. The only effective way to make the safe areas, as well as other areas of Bosnia and Herzegovina, truly safe is to achieve a comprehensive political solution through negotiations. I strongly urge the parties to the conflict to engage, with sincerity, in talks aimed at rapidly achieving such a solution. In the meantime I reiterate the call for an immediate cease-fire, which will prevent a number of people who have already experienced indescribable suffering from undergoing further misery in the winter that is now upon them.

Notes

1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.